

**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



December 3, 1999

Kenneth E. Abreu  
Development Manager  
6700 Koll Center Parkway, Suite 200  
Pleasanton, CA 94566

Dear Mr. Abreu:

**METCALF ENERGY CENTER DATA REQUESTS – Set 3**

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff requests the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess project alternatives and potential mitigation measures.

Data requests are being made in the areas of: alternatives, biological resources, cultural resources, and land use. Written responses to the enclosed data requests are due to the Energy Commission staff on or before January 4, 2000, or a later mutually agreed upon date.

If you are unable to provide the information requested, need additional time to provide the information, or object to providing it, you must send a written notice to both Commissioner Robert A. Laurie, and to me, within 15 days of receipt of this notice. The notification must contain the reasons for not providing the information, the need for additional time and the grounds for any objections (see Title 20, California Code of Regulations section 1716 (e)).

If you have any questions regarding the enclosed data requests, please call me at (916) 654-4074.

Sincerely,

Paul Richins, Jr.  
Energy Commission Siting Project Manager

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Enclosure

cc: Docket (99-AFC-3)  
Proof of Service List  
John Hathaway, Calpine Corporation  
John Carrier, CH2MHill  
David Wright, U.S. Fish and Wildlife Service  
Carl Wilcox, Department of Fish and Game

File:s/projects/metcalf/datarequests/set3-letter

**Technical Area:** Alternatives

**Author:** Gary Walker

**Background**

Staff understands that the applicant investigated a potential alternative project site near the Monta Vista substation, and perhaps another site or sites near one or more of the five PG&E substations (Monta Vista, Jefferson, Newark, Ravenswood, and San Mateo) that could be used to supply power to the South Bay.

**Data Requests**

- 207. Please identify the site(s) on a map and describe it.
- 208. Please provide all information gathered regarding the feasibility of the site(s).
- 209. Please provide any environmental information gathered regarding the site(s).

**Background**

Staff is aware that the applicant has investigated two potential power plant sites in the El Estero area of north San Jose north of State Route 237 but has recently withdrawn its applications for general plan amendments for those sites.

**Data Requests**

- 210. Please identify the sites on a map and describe them.
- 211. Please explain why the applications for general plan amendments were withdrawn.
- 212. Please provide all information gathered regarding the feasibility of the two sites.
- 213. Please provide all environmental information gathered regarding the two sites.

**Technical Area: Biological Resources**

**Author:** Linda Spiegel

**Background**

At the Biological Resource workshop on October 27, 1999, serpentine soils expert Stuart Weiss (Center for Conservation Biology, Stanford University) stated that some of the assumptions used in the *Impact Analysis for Metcalf Energy Center NO<sub>x</sub> Emissions, Santa Clara County, California* were incorrect. Based on his statements and his paper, *Cars, Cows, and Checkerspot Butterflies: Nitrogen Deposition and Management of Nutrient-Poor Grasslands for a Threatened Species*, the NO<sub>x</sub> analysis should assume:

- ambient nitrogen deposition rates in the San Jose area of 10 –15 kg/ha/year
- 80% dry deposition
- 118 tons/day of ammonia from the power plant
- nitric acid vapor deposition on ridge tops to the north and east

**Data Request**

214. Please revise the NO<sub>x</sub> impact analysis according or provide a justification and supporting documentation defending the assumptions chosen.

**Background**

Calpine has submitted a *Draft Riparian Corridor Biotic Assessment for the Metcalf Energy Center* and is currently preparing the final report. For the final report, please identify on the tree survey maps and tables which trees are City Significant or Heritage Trees or would qualify as such, and which are County of Santa Clara Significant Trees or would qualify as such.

**Data Request**

215. Please provide a total number of how many of each of these ordinance trees will be lost.

**Background**

The Santa Clara Valley Water District (SCVWD) has a number of concerns including planting in the Fisher Creek riparian corridor.

**Data Requests**

216. To determine planting prescriptions in the flood plain, SCVWD has requested a hydraulic analysis for either elevating the site a minimum of 2 feet above the 100-year flood elevations or for rebuilding the levee(s) to meet the FEMA flood protection requirements. Please provide the hydraulic analysis.
217. Please provide responses to the nine questions raised by the SCVWD in their letter that was discussed at the recent Biological Resources workshop.

## **Technical Area: Cultural Resources**

**Author:** Kathy Matthews and Dorothy Torres

### **Background**

Supplement A, to the Metcalf Energy Center Application for Certification (AFC) provided Figure 3.3-1 which details areas surveyed for potential archaeological sites. Staff requests information regarding the perimeters of the survey.

### **Data Request**

218. According to Figure 3.3-1, two areas were surveyed for the presence of cultural resources. How many feet did the survey extend from each side of the proposed centerline of the trench?

### **Background**

Figure 8.3-4b, filed under confidential cover, identified CA-SCL-249 and CA-SCL-250 directly in the path of Route B.

### **Data Request**

219. Has either site been proposed for eligibility to the National Register of Historic Places or for eligibility to the California Register of Historic Resources? If either site has been proposed for eligibility, please provide documentation that explains the findings of ineligibility or eligibility.
220. Please provide all site records for sites CA-SCL-249 and CA-SCL-250.
221. Please explain, in detail, the procedures or methods that will be used to avoid, protect or mitigate potential impacts to these two sites.

### **Background**

Supplement A to the AFC describes an area referred to as the “elbow” (p. 3-4). This area was not surveyed due to lack of access.

### **Data Request**

222. Page 3-4 of Supplement A recommends monitoring by an archaeologist during construction in the “elbow area”. Archaeological loci were found in the vicinity of the “elbow”. Although access may not be obtained in time to include survey information in the Preliminary Staff Analysis, staff assumes that access to the area will be obtained prior to construction. Please provide staff with survey results as soon as access can be obtained and an archaeological survey can be conducted.
223. When do you anticipate access to the “elbow” area will be obtained?

**Technical Area: Land Use**

**Author:** Eric Knight

Energy Commission staff must assess the potential impacts on agricultural uses in the vicinity of the project.

**Background**

During construction of the MEC, 10 acres of an open agricultural field (currently planted in safflower, AFC Supplement A, page 3-2) south of the site will be temporarily disturbed for a construction laydown area. According to the AFC, the laydown area will be compacted and overlain with a layer of gravel or other material. The layer of material will be removed after construction is complete and the soil will be returned to its natural state for agricultural production (AFC page 8.2-40).

**Data Request**

- 224. Please describe the measures Calpine/Bechtel will use to restore soil disturbed by the construction laydown area to its natural state for agricultural production.
- 225. Please describe how Calpine/Bechtel will prevent the loss of topsoil while removing the layer of gravel or other material.

**Background**

The AFC states that construction activities will be planned to accommodate the schedule of agricultural activities (AFC page 8.9-3). However, because construction is anticipated to take approximately 18 to 20 months, it would appear that use of the agricultural field south of the MEC site as a laydown area will preclude its use for farming during the construction phase of the project.

**Data Requests**

- 226. Please explain if Calpine/Bechtel intends to compensate the landowner for the value in lost crop production while the land is being used as a construction laydown area.
- 227. Please provide the status of negotiations Calpine/Bechtel has had with the landowner to use the land as a construction laydown area.

**Background**

Page 8.9-9 of the AFC (Agriculture and Soils) states that the domestic water line will impact land currently used for agriculture. However, page 8.4-5A (Land Use) states that the domestic water line is likely to be constructed within the Union Pacific Railroad right-of-way and would not disturb existing agricultural use.

**Data Requests**

- 228. Please clarify if land currently in agricultural use will be disturbed by construction of the domestic water line.
- 229. Please clarify if the domestic water line will be located entirely within the UPRR ROW.

## **Background**

Alternative water line segment B-3, which would contain a portion of the water supply, domestic water supply and industrial wastewater pipelines, would traverse agricultural land that lies south-southwest of the MEC site. According to AFC Supplement A, this land is currently planted in safflower, orchard trees, wheat, and row crop. If all three pipelines were included in segment B-3, a 66-foot wide construction corridor would be required. The supplement states that pipeline construction on agricultural land traversed by segment B-3 will temporarily impact the crops grown there. The supplement further states that direct loss of orchard trees will be avoided by strategically routing the pipeline corridor between trees or through more open areas (AFC Supplement page 3-3).

## **Data Request**

230. Please provide information on the outcome of any discussions in regard to obtaining easements from the landowner(s) whose property would be traversed by segment B-3.
231. Please describe how Calpine/Bechtel will minimize impacts to agricultural activities on land traversed by segment B-3.
232. Biological Resources subsection 3.2.3 of Supplement A states that a biological monitor will conduct pre-construction surveys within agricultural fields and orchards and identify potential trenching impacts to trees and modify the alignment of segment B-3 to avoid direct impacts. The supplement further states that if construction of segment B-3 indirectly causes a tree to die, Calpine/Bechtel will plant replacement trees in locations approved by the City of San Jose arborist. This discussion appears to apply only to non-agricultural trees and not orchard trees. Please explain how agricultural landowners would be compensated for the lost value in crop production if construction of segment B-3 indirectly causes an orchard tree to die. In your response also address, tree replacement ratios, and the size and location of the replacement trees.